

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
JANUARY 11, 2007 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T** Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County  
Attorney

**A B S E N T** None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS  
UPDATE**

J. David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts.

**A WORK SESSION ON THE APPLICABILITY OF OUTDOOR LIGHT CONTROL ON  
RESIDENCES**

Todd Benson, Assistant Zoning Administrator, discussed the applicability of the Zoning Ordinance's outdoor lighting standards to homes.

**UPDATE FROM FAUQUIER COUNTY WATER AND SANITATION AUTHORITY**

Members of the Fauquier County Water and Sanitation Authority provided an update on the progress of a number of utility projects that have been supported by the County, including: New Baltimore sewer extension and treatment plant upgrade; Marshall water improvements; Opal water system proposal; and Paris water improvements.

**A WORK SESSION TO DISCUSS A ZONING ORDINANCE TEXT AMENDMENT TO  
SECTIONS 3-301 AND 5-105 TO CHANGE THE SQUARE FOOTAGE AND  
AVAILABILITY OF ACCESSORY FAMILY DWELLING UNITS**

Todd Benson, Assistant Zoning Administrator, and Tony Hooper, Deputy County Administrator, discussed alternative proposals concerning accessory family dwelling units.

## **A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD**

The Fauquier County Board of Supervisors and the Fauquier County School Board held a joint work session to discuss: update on construction and costs of third high school; use of end of year funds; green buildings; and other issues of interest.

## **A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL COUNSEL RELATED TO THE DOMINION 500KV POWER LINE PROPOSAL PURSUANT TO SECTION 2.2-3711(A)(7) AND TO DISCUSS PENDING LITIGATION RELATED TO A PERSONNEL MATTER PURSUANT TO SECTIONS 2.2-3711A(1) AND A(2)**

Mr. Atherton moved to go into a closed meeting, pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss specific legal matters requiring the advice of legal counsel relating to the Dominion Virginia Power 500-kV power line proposal, and pursuant to §2.2-3711(A)(1) and (A)(2), to discuss pending litigation related to a personnel matter. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

Upon reconvening from the closed meeting, Mr. Atherton moved, without objection, to adopt the following certification.

### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 11th day of January 2007, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public

business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m.

### **INVOCATION**

Mr. Downey offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mr. David Cubbage led the pledge of allegiance.

### **ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda as presented. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

### **CITIZENS' TIME**

- John DePerro, Cedar Run, referenced recent public opposition to the proposed power lines, and proposed that County Building officials increase the requirements for insulation in new construction to a rating of R-49; furthermore, he urged citizens to voluntarily upgrade their existing insulation to maximize energy efficiency; he also volunteered to assist with technical review on any subcommittee or task force that may be formed either at the State or County level.
- Tom Reese, Center District, formerly of the Disability Services Board, expressed his gratitude to the Board of Supervisors for working to make the John Barton Payne building wheelchair accessible; he also challenged other organizations that use the facility for public events to make a contribution to the County to help offset the construction costs for the renovations to the building.
- John Griffin, Cedar Run District, spoke in support of the School Board's capital improvement plans to renovate and upgrade Fauquier High School, Warrenton Middle School, and Taylor Middle School.

## **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Robison presented an award for Mr. Steven W. Rodgers for 2006 Citizen of the Year for Center District.
- Mr. Stribling presented an award to Mr. Steve Wright for 2006 Citizen of the Year for Lee District.
- Mr. Graham presented an award for Mr. Clyde Lomax for 2006 Citizen of the Year for Cedar Run District.
- Mr. Atherton presented an award to Mrs. Sally Tufts and Mr. Tim Nevill for 2006 Citizens of the Year for Marshall District.
- Mr. Downey presented an award for Major Olaf Shibusawa, his wife Julie, his daughter Allison, and his son Quentin, for 2006 Citizens of the Year for Scott District.

## **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## **Approval of the Minutes for the December 14, 2006 Regular Meeting and January 4, 2007 Adjourned Meeting of the Fauquier County Board of Supervisors**

## **A Resolution to Endorse the Virginia Association of Counties (VACo) Region 7 Legislative Priorities for the 2007 General Assembly**

### **RESOLUTION**

#### **A RESOLUTION TO ENDORSE THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) REGION 7 LEGISLATIVE PRIORITIES FOR THE 2007 GENERAL ASSEMBLY**

WHEREAS, Fauquier County is a member of the Virginia Association of Counties (VACo) and is an active participant in VACo Region 7; and

WHEREAS, Fauquier County assists with the development of and supports the annual VACo Region 7 legislative program, which is used to convey common legislative positions of the member jurisdictions to the members of the General Assembly and to provide legislative guidance to VACo with respect to the preparation of the State-wide legislative program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board of Supervisors does hereby endorse the VACo Region 7 Legislative Program for the 2007 General Assembly.

**A Resolution Authorizing the Reimbursement of Building Permit Fees to the Community Christian Church**

RESOLUTION

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF BUILDING PERMIT FEES TO THE COMMUNITY CHRISTIAN CHURCH

WHEREAS, on August 17, 2006, Community Christian Church, located at 12069 Shipps Store Road near Morrisville, was destroyed completely through arson and is rebuilding at its current site; and

WHEREAS, Pastor Allen R. Dickerson has requested the Board of Supervisors' consideration of reimbursement of Building Permit fees; and

WHEREAS, the church provides a variety of services throughout the community; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That Fauquier County reimburse Community Christian Church its \$1,553.11 Building Permit fee (Permit #S06-22313; Receipt # 59608).

**APPOINTMENTS**

By unanimous consent, the following appointment was approved:

- Rappahannock-Rapidan Community Services Board (RRCSB): Ingerid Refour was appointed to fill an unexpired term that ends December 31, 2007.
- Rappahannock-Rapidan Community Services Board (RRCSB): Douglas Harpole was reappointed for a three-year term that ends December 31, 2009.
- Mr. Atherton made the following assignments for Board of Supervisors' Committees:

<b>2007</b>	
<b>Committee, Commission, Board Appointments</b>	<b>Supervisor(s)</b>
Agricultural and Forestal District	Mr. Atherton
Disability Services Board	Mr. Robison
Facilities Planning and Implementation *	Mr. Downey / Mr. Robison
Finance Committee *	Mr. Graham / Mr. Downey
High Growth Coalition	Mr. Atherton
Human Rights Committee	Mr. Atherton
Personnel Committee *	Mr. Atherton / Mr. Robison
Potomac River Basin Roundtable	Mr. Atherton / Mr. McCulla ( <i>alternate</i> )
Public Safety *	Mr. Stribling / Mr. Downey
Quantico Civilian/Military Community Relations Executive Council	Mr. Robison
Rappahannock-Rapidan Regional Commission	Mr. Stribling
Rappahannock-Rapidan Regional Commission CEO's	Mr. Atherton
Rappahannock River Basin Commission	Mr. Atherton / Mr. Stribling ( <i>alternate</i> )
Regional Jail Board	Mr. Stribling
Route 50 Traffic Calming Task Force	Mr. Atherton
Town / County Liaison	Mr. Robison / Mr. Atherton
Transportation Committee	Mr. Atherton / Mr. Graham ( <i>alternate</i> )
Western Transportation Corridor	Mr. Graham / Mr. Downey
Workforce Investment Commission (CLEO)	Mr. Atherton / Mr. Graham
250th Anniversary Committee	Mr. Downey
<i>*Standing BOS Committees</i>	

**APPEAL OF THE PLANNING COMMISSION DENIAL FOR THE CUL-DE-SAC LENGTH WAIVER REQUEST AND VIRGINIA PINES PRELIMINARY PLAT APPLICATION (PPLT07-SC-006)**

Mr. Downey moved to postpone until the next regular meeting on February 8, 2007, consideration of an appeal of the Planning Commission denial for the cul-de-sac length waiver request and Virginia Pines Preliminary Plat #PPLT07-SC-006, upon request of the applicant. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

**A RESOLUTION TO AWARD A CONTRACT FOR IMPROVEMENTS TO THE WARRENTON-FAUQUIER JOINT COMMUNICATIONS CENTER**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR IMPROVEMENTS TO THE WARRENTON-FAUQUIER JOINT COMMUNICATIONS CENTER

WHEREAS, Fauquier County has requirements to improve and secure electrical service to the Warrenton-Fauquier Joint Communications Center; and

WHEREAS, bids were received on December 20, 2006 for improvements to the Warrenton-Fauquier Joint Communications Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That a contract in the amount of \$214,000 be, and is hereby, awarded to P.W. Stilwell Plumbing and Heating, Inc. to complete the work to the Warrenton-Fauquier Joint Communications Center.

**A RESOLUTION TO DELETE A FINAL PLAT CONDITION IMPOSED BY THE BOARD OF SUPERVISORS IN 1986 FOR COOL SPRINGS ESTATES**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION

A RESOLUTION TO DELETE A FINAL PLAT CONDITION IMPOSED BY THE BOARD OF SUPERVISORS IN 1986 FOR COOL SPRINGS ESTATES

WHEREAS, William Walther is the owner of a lot in Cool Springs Estates, a subdivision approved on June 17, 1986; and

WHEREAS, the subdivision was approved subject to the condition that there be one entrance to Route 17; and

WHEREAS, the subdivision was constructed with more than one entrance, and the construction of the original proposed single entrance is impractical; and

WHEREAS, in 1991 the easement related to the single entrance was permitted by the subdivision agent to be partially vacated subject to a plat notation which stated that “all lots to share a common entrance except that lot 29(A) may have a separate entrance so long as owned by Walther;” and

WHEREAS, the Board of Supervisors has determined that the condition imposed in 1986 and the notation set forth on the 1991 plat of partial easement vacation are no longer required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That the approval resolution of Cool Springs Estates by the Board of Supervisors of June 17, 1986, be, and is hereby, amended to delete the condition requiring a single entrance onto Route 17; and, be it

RESOLVED FURTHER, That the Subdivision Agent is hereby authorized to execute such documents as may be necessary to eliminate the limitation imposed by the 1991 plat of partial vacation that “all lots . . . share a common entrance except that lot 29(A) may have a separate entrance so long as owned by Walther” in a manner consistent with the elimination of the above-referenced condition.

#### **A RESOLUTION TO ADOPT THE REVISED NEW BALTIMORE SERVICE DISTRICT PLAN**

Mr. Downey moved to postpone until the next regular meeting on February 8, 2007, consideration of a resolution to adopt the revised New Baltimore Service District Plan. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>



**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF WARREN KENDALL MONTOURI**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE  
OF A CONSERVATION EASEMENT OVER  
THE PROPERTY OF WARREN KENDALL MONTOURI**

WHEREAS, Warren Kendall Montouri has proposed to donate a conservation easement over his property described as PIN-6030-07-8481 and PIN-6030-18-3725, consisting of approximately 215.8175 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;,” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the County’s Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses that are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF GEORGE M. CHESTER, JR. AND LAURA D. CHESTER, TRUSTEES**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION  
A RESOLUTION TO AUTHORIZE THE ACCEPTANCE  
OF A CONSERVATION EASEMENT OVER  
THE PROPERTY OF GEORGE M. CHESTER, JR AND LAURA D. CHESTER, TRUSTEES

WHEREAS, George M. Chester, Jr. and Laura D. Chester, Trustees have proposed to donate a conservation easement over their property described as PIN-6031-78-0020, consisting of approximately 169.75 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the County's Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses that are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF RICHARD B. CLIFFORD, JR. AND JULIANNE C. CLIFFORD**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION  
A RESOLUTION TO AUTHORIZE THE ACCEPTANCE  
OF A CONSERVATION EASEMENT OVER  
THE PROPERTY OF RICHARD B. CLIFFORD, JR. AND JULIANNE C. CLIFFORD

WHEREAS, Richard B. Clifford, Jr. and Julianne C. Clifford have proposed to donate a conservation easement over their property described as PIN-6041-22-8819 and 6041-23-0551, consisting of approximately thirty-five acres, hereinafter "the Property;" and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the "Open-Space Land Act"; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the County's Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses that are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF EUGENE F. BEDELL AND DEBORAH L. BEDELL**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

RESOLUTION  
A RESOLUTION TO AUTHORIZE THE ACCEPTANCE  
OF A CONSERVATION EASEMENT OVER  
THE PROPERTY OF EUGENE F. BEDELL AND DEBORAH L. BEDELL

WHEREAS, Eugene F. Bedell and Deborah L. Bedell have proposed to donate a conservation easement over their property described as PIN-6031-12-0082; 6031-21-0366; 6031-30-4512; and 6031-10-9455, consisting of approximately 222.0734 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the County’s Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses that are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

**A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF MARY BEVERLY KOTEK AND PAULINE BEVERLY HEIZENROTH**

Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

RESOLUTION  
A RESOLUTION TO AUTHORIZE THE ACCEPTANCE  
OF A CONSERVATION EASEMENT OVER  
THE PROPERTY OF MARY BEVERLY KOTEK AND PAULINE BEVERLY HEIZENROTH

WHEREAS, Mary Beverly Kotek and Pauline Beverly Heizenroth have proposed to donate a conservation easement over their property described as PIN-7908-62-6068; 7908-73-9400 and 7908-63-8900, consisting of approximately 127.0356 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the County pursuant to the goals and objectives stated in the County’s Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses that are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

### **SUPERVISORS' TIME**

- Mr. Atherton presented a Chairman's plaque with gavel to Mr. Graham in recognition for his public service with distinction as Chairman of the Board of Supervisors from January 2005 through December 2006.
- Mr. Robison thanked Tom Reese, and other citizens who have taken time to express their appreciation for recent renovations to the John Barton Payne Building. He stated that construction appears to be nearing completion and the building is going to be a great benefit to the community. Mr. Robison reminded citizens to look at the Parks & Recreation Department calendar for a number of interesting and fun events that will occur this month. Mr. Robison also wished everyone a safe and happy holiday weekend.
- Mr. Graham stated that the Board of Supervisors had a very successful work session with the School Board earlier today, and that the Finance Committees for both Boards will work closely together to work through budget issues since revenue estimates are down this year. Mr. Graham said that Joan Cooper had passed away yesterday and he expressed condolences to her survivors. Mr. Graham also expressed condolences to Clyde Lomax for the recent death of his wife.
- Mr. Stribling thanked all of the citizens in the County who volunteer their time and efforts to support the community by providing necessary services that would not be available otherwise. Mr. Stribling expressed his appreciation to Mr. Graham for his past leadership as Chairman, and stated he is looking forward to working with Mr. Atherton as Chairman in the year ahead. Mr. Stribling also said that despite occasional differences of opinion, he appreciates the respect and spirit of cooperation shared by each of the members of the Board of Supervisors.

### **ANNOUNCEMENTS**

- Mr. McCulla announced that the Board of Supervisors will hold an adjourned work session on January 26, 2007, at 9:00 a.m. at the Inn at Vint Hill in Warrenton, Virginia, to review the progress to date on the Board's top priorities, and to discuss capital project issues.

- Mr. McCulla announced that members of the Board of Supervisors will attend the annual VACo/VML sponsored Legislative Day on February 1, 2007, at 12:00 noon, at the Richmond Marriott located in Richmond, Virginia.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held February 8, 2007, at 6:30 p.m., in the Warren Green Building Meeting Room located at 10 Hotel Street in Warrenton, Virginia.
- Mr. McCulla announced that the Board of Supervisors will hold its first Budget Work Session during its meeting on March 8, 2007, and that a complete schedule of the Fiscal Year 2008 Budget Calendar is available for viewing on the County website at [www.fauquiercounty.gov](http://www.fauquiercounty.gov).

**A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$1,738,640**

A public hearing was held to consider various budget related issues in the amount of \$1,652,527 in appropriations and \$86,113 in transfers for FY 2007. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$1,738,640**

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 30, 2006, the Board of Supervisors adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its December meeting, the Finance Committee recommended budget adjustments of \$1,738,640 for FY 2007, for the purposes set forth below; and



WHEREAS, on January 11, 2007, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of January 2007, That the FY 2007 Budget be, and is hereby, amended in the amount of \$1,738,640 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2007					
Insurance Reimbursement	3-100-411000-0010	\$779	Sheriff's Office	4-100-031200-3311	\$779
Insurance Reimbursement	3-100-411000-0010	\$1,500	Parks & Recreation (Larry Weeks Pool)	4-100-071130-3160	\$1,500
Fire & Rescue Association	4-270-032250-1301	\$3,300	Fire & Emergency Services	4-100-032420-1201	\$3,300
Insurance Recovery	3-100-411000-0010	\$1,751	Fire & Emergency Services	4-100-032420-3311	\$1,751
Health Department Reimbursement	3-100-18990-0050	\$6,231	Fire & Emergency Services	4-100-032420-6047	\$6,231
State Funds	3-270-244100-0085	\$7,611	Fire and Rescue Association	4-270-032200-5640	\$7,611
Fire & Rescue Association Fund Balance	3-270-419000-0010	\$982,012	Fire & Rescue Association	4-270-032200-9999	\$200,000
				4-270-032310-5647	\$249,529
				4-270-032307-5647	\$395,031
				4-270-032302-5647	\$112,452
				4-270-032200-3130	\$25,000
Fire & Rescue Association Fund Balance	3-270-419000-0010	\$6,047	Fire & Rescue Association	4-270-032200-5640	\$6,047
Federal Funds	3-205-332000-0001	\$7,948	School Division	4-205-061106-6013-300-700	\$7,948
Federal Funds	3-205-332000-0019	\$204,998	School Division	4-205-061120-6013-200-200	\$204,998
Federal Funds	3-205-332000-0002	\$103,250	School Division	4-205-061101-3160-200-100	\$8,500
				4-205-061101-6013-200-100	\$94,750
Fund Balance	3-100-419000-0010	\$327,100	Budget Office	4-302-94204-8214	\$69,100
				4-302-94203-8210	\$133,000
				4-302-72200-8301	\$100,000
				4-302-33200-8304	\$25,000
Contingency Reserve (Transfer)	4-100-091400-9999	\$2,500	County Administration	4-100-012110-5651	\$2,500
Contingency Reserve (Transfer)	4-100-091400-9999	\$18,000	Sheriff's Office	4-100-031200-5230	\$18,000
Community Development	4-100-081200-1301	\$65,613	Community Development	4-100-081200-1101	\$55,000
	4-100-081200-3130			4-100-081200-2100	\$1,428

(Transfer)	4-100-081200-3160	4-100-081200-2210	\$6,539
	4-100-081200-3600	4-100-081200-2310	\$2,024
		4-100-081200-2400	\$622

<b>TOTAL</b>	<b>\$1,738,640</b>	<b>\$1,738,640</b>
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**A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY REAL PROPERTY OWNED BY BUCHANAN HALL CORP. AS EXEMPT FROM REAL PROPERTY TAXATION**

A public hearing was held to consider an application by Buchanan Hall Corp. that its property be classified as exempt from real estate taxation. The affected property is described as PIN #6064-14-7137. The assessed value of the property is \$921,600.00 and the real property taxes are \$5,944.32 per year. Mr. Atherton summarized the proposed Ordinance. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**ORDINANCE**

**AN ORDINANCE TO CLASSIFY REAL PROPERTY OWNED BY BUCHANAN HALL AS EXEMPT FROM REAL PROPERTY TAXATION**

WHEREAS, Fauquier County Code Section 8-71 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by an organization that uses the property exclusively for charitable purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that prior to the adoption of any Ordinance exempting property from local taxation the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That the property of Buchanan Hall, further described as PIN #6064-14-7137, be, and is hereby, designated as exempt from real and personal property taxation; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective January 1, 2007.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY ROAD SIX-YEAR PLAN**

Pursuant to Section 33.1-70.01 of the Code of Virginia, 1950, as amended, a joint public hearing was held with the Board of Supervisors and Resident Administrator for the Virginia Department of Transportation to receive public comment on the proposed Secondary System Construction Program for Fiscal Years 2007/08 through Fiscal Years 2012/2013. David Cubbage, representing the Virginia Department of Transportation, summarized the proposed plan. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone action on the VDOT Secondary Road Six-Year Plan until the next regular meeting on February 8, 2007. Mr. Robison seconded, and following discussion the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

### **PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES REGARDING RESIDENTIAL USES OVER COMMERCIAL USES**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 5-103 modifying the standards for allowing residential uses over commercial uses. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## ORDINANCE

### A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-103 MODIFYING THE STANDARDS FOR ALLOWING RESIDENTIAL USES OVER C-1 COMMERCIAL DISTRICTS

WHEREAS, on October 26, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on November 30, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on January 11, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the amendment to Section 5-103 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That Section 5-103 be, and is hereby, added as follows:

#### **5-103**

#### **Standards for all Residential Uses in C-1 and CV Districts**

In addition to the standards set forth in Section 5-006 above, all residential uses shall satisfy the following standards:

##### **1. Single Family Detached Dwellings (C-1 and CV)**

- a. Within the C-1 zoning district, a single family detached unit may only be constructed on a lot existing as of January 1, 2004, and only by approval of a special permit. Lots created by subdivision after January 1, 2004, may not be developed with single family residential dwellings. Additions to existing single family residential dwellings may also be approved by special permit.
- b. Residential uses allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.
- c. Single family uses shall be subject to the use regulations set forth in Part 4 of Article 3 for conventional single family residential development in the R-4 zoning district.

##### **2. Dwellings above Commercial Use (C-1 only)**

- a. Dwelling units are permitted only in buildings where the first floor is devoted to commercial use, and only by approval of a special exception. Residential use on the first floor shall be limited to the minimum area needed to provide an entrance and lobby to residential units in the building. The range of commercial uses that will be allowed in the commercial space shall be defined with the application for special exception and shall be limited by the Board to:
  - uses that are compatible with the proposed residential uses; and
  - office, retail, personal service, restaurants, amusement, or other similar uses which generate activity on the street, as determined by the Board of Supervisors.
- b. The Board may vary the minimum lot size, minimum lot frontage, minimum lot width and minimum yard requirements of the C-1 zone for mixed use buildings where it determines that such variation would result in a building form more consistent with the form of existing development in the surrounding area or would further the goals of the Comprehensive Plan, and provided that the total residential density does not exceed 8 units per acre. No front yard adjacent to a major arterial may be reduced below 150 feet from the centerline of the right-of-way, unless a lesser setback is already established by existing buildings adjacent to the proposed development along the arterial, in which case the setback may be reduced to no less than the minimum setback established by the existing building.
- c. ~~All development shall meet the following design standards:~~
  - ~~(a) Buildings shall face the street, with primary entrances facing the street.~~
  - ~~(b) A minimum 14 feet of streetscape width shall be provided along all streets, to include a minimum of 6 foot clear sidewalk and street trees no less than 30 feet on center.~~
  - ~~(c) Parking shall be located primarily to the rear or side of buildings.~~

**Development shall be designed to be pedestrian oriented, incorporating such features as: buildings and entrances facing the street, streetscapes that accommodate sidewalks and street trees, pedestrian paths connecting buildings and uses, and parking located predominately to the rear or side of buildings.**

- d. In addition to the 10% minimum landscaped green space required by Section 3-409 for the C-1 zone, development incorporating 10

or more residential units shall provide a minimum of 2,000 square feet of consolidated, usable open space, with a minimum dimension of 30 feet in any direction. The consolidated open space shall be designed as an integral part of the development and shall be accessible to all residents by internal pedestrian sidewalks or walkways. An additional 200 square feet of consolidated, usable open space shall be provided for each unit over 10. The amount of consolidated, usable open space required may be reduced by the Board upon a finding that 1) sufficient usable open space is already provided in the immediate area or 2) alternative features of the proposed development provide an amenity to residents equivalent or greater than the benefit of consolidated open space.

- e. All applications shall include a parking management strategy for assuring that convenient parking is maintained and preserved for residents of the mixed use buildings. The amount of parking provided for the mixed use buildings may be reduced from the amount required in Article 7 to the extent it is demonstrated to the Board's satisfaction, through a parking study and a shared parking agreement, that lesser parking is needed because:
  - (1) parking can be shared between different uses with different peak demands and/or;
  - (2) sufficient on-street spaces are available within the development or on portions of street immediately adjacent to the development to satisfy parking requirements.

**PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES REGARDING APPROVAL REQUIREMENTS FOR COMMERCIAL RETAIL AND BUSINESS USES**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Sections 3-312, 3-313, 3-400, 5-1200, 5-1300, and 15-300 to amend approval requirements for commercial retail and business uses. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-312, 3-313, 3-400,  
5-1200, 5-1300 AND 15-300 TO AMEND APPROVAL REQUIREMENTS FOR  
COMMERCIAL RETAIL AND BUSINESS USES

WHEREAS, on August 10, 2006, the Board of Supervisors initiated this text amendment;  
and

WHEREAS, on October 26, 2006 and November 30, 2006, the Planning Commission held work sessions on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on January 11, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the amendment to add Section 5-103 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007,  
That Sections 3-312, 3-313, 3-400, 5-1200, 5-1300 and 15-300 be, and are hereby, amended as follows:

<b>3-312 COMMERCIAL RETAIL (CATEGORY 12)</b>	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Antique shops less than 3000 sq. ft.	X		SP	SP	SP								P	P	P	P		
<del>2. Antique shops more than 3000 sq. ft.</del>	<del>X</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>SP</del>	<del>P</del>	<del>P</del>	<del>SP</del>		
<u>23.</u> Retail sales establishment and shopping center less than 5,000 sq. ft.	X												P	P	P	P		
<del>3-4.</del> Retail sales establishment and shopping center 5,000 <u>to 20,000</u> sq. ft. <del>or greater but less than 50,000 sq. ft.</del>	X												<del>A</del> /SP	P	P	SP		
<u>4.</u> Retail sales establishment and Shopping center <u>20,000 to 50,000 sq. ft.</u>	X												SP	P	P	SP		
5. Retail sales establishment <u>and shopping center</u> more than 50,000 sq. ft.	X													SE	SE			
<del>7.</del> Shopping center less than 200,000 sq. ft.	<del>-</del> <del>X</del>														<del>P</del>			
<del>7.</del> Shopping center more than 200,000 sq. ft.	<del>-</del> <del>X</del>														<del>SE</del>			
<u>68.</u> Convenience store	X												P	P	P	SP	SP	
<u>79.</u> Retail sales in conjunction with Category 16 or 17 uses		SE	SE										<del>SP</del> <sup>18</sup>	<del>SP</del> <sup>18</sup>	<del>SP</del> <sup>18</sup>		SP	SP
<del>840.</del> Fuel yard, retail	X													SP				SP



3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	SP <sup>18</sup>	SP		
3. Funeral home less than 5000 sq. ft.	X												P	P				
4. Funeral home more than 5000 sq. ft.	X												SP	P		SP		
5. Farm supply establishment	X		SP		SP								SP <sup>18</sup>	P		SP		
6. Financial institutions	X												P	P	P	P	SP	
7. Business or Professional Office, less than 5,000 sq.ft.	X												P	P	P	P	P	
8. Business or Professional Office, 5,000 sq.ft. to 20,000 sq.ft.	X												A/SP	P	P	SP	P	
9. Business or Professional Office, over 20,000 sq.ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
7. Office, business, less than 5000 sq.ft.	X												P	P	P	P	SP	
8. Office, business, more than 5000 sq.ft.	X												SP	SP	P		SP	
10. Business or Professional Office, professional 3 or less employees (including clinics) 6 or less employees	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							
10. Office, professional, (including clinics) less than 5,000 sq.ft.	X												P	P	P	P	SP	
11. Office, professional, (including clinics) more than 5,000 sq.ft.	X												SP	SP	P	SP	SP	
11. Drive-through facility in conjunction with any commercial business	X												SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE <sup>18</sup>	SE	
12. Eating establishment	X												P	P	P	P	SP	
13. Eating establishment, fast food	X												SP <sup>18</sup>	P	SP	SP	SP	
14. Repair service establishment less than 5,000 sq.ft. — than 3000 sq. ft.	X												P	P	P	P	P	
15. Repair service establishment more than 5,000 sq.ft. — than 3000 sq. ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	SP	
16. Laundry/dry-cleaning drop-off pick-up facility	X												P	P	P	P	P	

176. Laundry/dry cleaners/laundromat less than 5,000 3000 sq. ft.	X													<del>SP</del> P	<del>P</del> SP	P	<del>SP</del> P	<del>SP</del>	
187. Laundry/dry cleaners/laundromat more than 5,000 3000 sq. ft.	X													<del>SP<sup>18</sup></del> SP	SP	<del>SP</del> P		<del>SP</del>	
198. Furniture repair, cabinet making, upholstery, less than 5000 sq. ft.	X													P	<del>P</del>	<del>P</del>	P	P	
2049. Furniture repair, cabinet making, upholstery, more than 5000 sq. ft.	X													SP	<del>SP</del>	<del>SP</del>	<del>SP</del>	P	
219. Broadcasting studio	X		SP											P	P	P		P	
224. Barber/beauty shop	X	SP	SP	SP	SP	SP								P	<del>P</del>	P	P		
232. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.	X													P	<del>P</del> SP	<del>P</del>	SP	P	P
243. Carpentry, plumbing, electrical, printing, welding, sheet metal shops more than 5000 sq. ft.	X													SP	SP	<del>SP</del>		P	P
24. Dance or music studio	X													<del>P</del>		<del>P</del>			
25. Photographic studio	X													P	<del>P</del>	P		<del>SP</del>	
26. Wedding chapels	X													<del>SP</del>	<del>P</del>		<del>SP</del>		
267. Taxidermisty shop	X		SP											SP	SP				
28. Gift Shop	X														<del>P</del>				
29. Furniture Store	X														<del>P</del>				

**PART 4**

**3-400**

**USE REGULATIONS**

The requirements in the chart below and the following footnotes pertaining thereto are established as indicated:

.....

18. A special permit shall not be required and the use shall be permitted by-right if the use is proposed to be located within a shopping center that has been approved by special permit or special exception and if the proposed use is consistent with any limitations of the shopping center special permit or special exception approval and all other requirements of the Zoning Ordinance.

**PART 12**

**5-1200**

**CATEGORY 12 COMMERCIAL RETAIL USES**

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

.....

**5-1202**

**Additional Standards for Retail sales establishment and shopping center 5,000 to 20,000 square feet in the C-1 District**

1. An Administrative permit may be approved for uses where:
  - A. Buildings or uses exceeding 5,000 square feet in size shall be designed such that the mass and treatment of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the mass of multiple smaller buildings rather than one single large building.
  - B. Building height shall not exceed two stories.
  - C. To the extent feasible, parking shall be located to the side and rear of buildings.
  - D. All such uses shall be designed to conform with the comprehensive plan.
2. In instances where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

**5-1203~~2~~**

**Additional Standards for Retail Sales in Conjunction with Category 16 or 17 Uses**

1. Retail sales of goods produced on or off the site may be conducted as part of the primary use.
2. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 10% of the gross floor area of the facility (or outdoor area involved in the use, if appropriate).

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**PART 13**

**5-1300**

**CATEGORY 13 COMMERCIAL BUSINESS AND PERSONAL SERVICES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

.....

**5-1305**

**Additional Standards for Office 5,000 Sq. Ft. to 20,000 Sq. Ft. in the C-1 District**

1. An Administrative permit may be approved for uses where:
  - A. Buildings exceeding 5,000 square feet in size are designed such that the mass of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the effect of multiple smaller buildings rather than one single large building.
  - B. Building height does not exceed two stories.
  - C. Parking is located to the side and rear of buildings.
  - D. Uses are designed to conform with the comprehensive plan.
2. Where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

**5-13065**

**Additional Standards for Offices in Rural and Residential Districts**

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.
2. No retail or wholesale sales or storage **shall be** conducted on the premises.
3. **Buildings** so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.

5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
6. Office hours shall be limited to the period between 8:30 a.m. and 8:00 p.m., Monday through Saturday. Offices may open at other times only for emergencies.
7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 a.m. and 4:00 p.m.
8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
9. Any such office with more than three employees. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

**5-1306 Additional Standards for Barber/Beauty Shop in Residential and Rural Zoning Districts**

~~Such uses shall comply with the use limitations set forth in Section 6-304.~~

**15-300**

**DEFINITIONS**

.....

**CONVENIENCE STORE:** Stores offering for sale groceries and other articles normally found in grocery stores and having not more than 3000 square feet gross floor area.

**DRIVE THROUGH FACILITY:** ~~**DRIVE-IN ESTABLISHMENT:**~~ A place of business shall be considered to have a drive through facility if it is so laid out that patrons can be accommodated while remaining in their automobile or vehicle. For the purposes of this ordinance, a VEHICLE WASH shall not be considered a Drive Through Facility.

.....

~~**GIFT SHOP:** Retail Sales Establishment of less than 5,000 square feet selling goods, merchandise, and commodities for use by the immediate purchaser.~~

**OFFICE:** A room, studio, suite or building in which a person transacts his business or carries on his stated occupation, ~~further defined in some provisions as BUSINESS OFFICE and PROFESSIONAL OFFICE.~~ For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

~~**OFFICE, BUSINESS:** Any room, studio, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives.~~

~~**OFFICE, PROFESSIONAL:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects, but specifically excluding veterinarians.~~

.....

**RETAIL SALES ESTABLISHMENT:** Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use in consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishments shall not be interpreted to include motor vehicle related uses and EATING ESTABLISHMENTS as defined herein. Retail Sales Establishment shall include Antique shops over 3,000 sq. ft.

.....

**SHOPPING CENTER:** Any group of one or more buildings containing three or more separate commercial businesses ~~two (2) or more commercial uses~~ which (a) are designed as a coordinated ~~single~~ commercial group, whether located on the same lot or on separate lots; (b) are under common ownership or management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and/or other similar benefits, (c) ~~are connected~~ by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walk ways and access ways designed to facilitate customer interchange between the uses, (d) ~~share a common parking area,~~ and (ce) otherwise present the appearance of one (1) continuous commercial area.

**PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES REGARDING SIGNAGE FOR COMMERCIAL AND INDUSTRIAL DISTRICTS**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to add Section 8-1501 to allow additional signage for commercial and industrial districts utilizing elements of traditional or neo-traditional design. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to postpone a decision on this matter until the next regular meeting on February 8, 2007. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES REGARDING VEHICLE STORAGE IN CONJUNCTION WITH A DEALERSHIP**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 3-314 and to add Section 5-1706 to add vehicle storage in conjunction with a dealership as a use in the Zoning Ordinance. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**ORDINANCE**

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-314 AND ADDING A NEW SECTION 5-1706 TO PERMIT THE STORAGE OF MOTOR VEHICLE DEALER INVENTORY IN THE I-2 ZONING DISTRICT**

WHEREAS, on October 16, 2006, the Board of Supervisors initiated this text amendment; and

WHEREAS, on November 30, 2006, the Planning Commission held a work session on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on January 11, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 3-314 and addition of Section 5-1706 support good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That Section 3-314 be, and is hereby, amended and Section 5-1706 is added as follows:

See Page III-4 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-314 MOTOR VEHICLE RELATED USES (CATEGORY 14)																		
1. Car wash	X												SP	P	SP	SP		
2. Vehicle part sales, installation (not including repair garage)	X												SP	P		SP	P	
3. Auto repair garage	X												SP	P	SP	SP	P	SE
4. Auto service station	X												SP	P	SP	SP	SP	
5. Auto body/painting establishments	X													P		SP	P	P
6. Motor vehicle impoundment (max. of 10 vehicles)	X												P				P	P
7. Junkyard/automobile graveyard	X																	SE
8. Automobile sales, rental and service (including motorcycles and recreational vehicles)	X												SP	P	SP	SP	SP	
9. Truck and heavy equipment sales, rental and service	X													P			P	SP
10. Farm equipment sales, rental and service	X		SP	SP									SP	P		SP	P	SP
11. Mobile home sales, rental and service	X											SP		SP				
12. Motor vehicle wash	X																SP	SP
13. Recreational Vehicle Storage Area	X												SP	P			P	SE
14. Automobile Inventory Storage	X																	SE

#### 5-1706 Additional Standards for Automobile Dealer Inventory Storage

1. Storage shall be limited to new passenger cars, pickup trucks, sport utility vehicles. Used, previously owned, and damaged cars shall not be permitted.

2. On-site maintenance and mechanical work shall not be permitted.

3. The lot shall be completely screened from view of adjacent properties.



**SPECIAL EXCEPTION RENEWAL #SPEX02-MA-014 – CHARLES LEOPOLD, OWNER, AND INDIAN PIPE OUTDOOR TECHNICAL SCHOOL, APPLICANT – INDIAN PIPE OUTDOOR SCHOOL**

A public hearing was held to consider an application to renew a previously approved Special Exception to operate an outdoor technical school, including the addition of a new parcel. The property is located at 3526 Fiery Run Road (Route 726), Marshall District. (PIN 6011-20-6729-000 and 6011-12-8396-000). Melissa Dargis, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE INDIAN PIPE OUTDOOR SCHOOL: SPEX02-MA-014 A SPECIAL EXCEPTION RENEWAL TO CONTINUE OPERATION OF THE SCHOOL AND THE ADDITION OF A NEW PARCEL**

WHEREAS, Charles Leopold, owner and Indian Pipe Outdoor Technical School, applicant, are seeking Special Exception approval to renew the previously approved Special Exception for Indian Pipe Outdoor School as well as to add a new parcel to the permit and refine conditions; and

WHEREAS, on November 30, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on January 11, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-500 and; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That SPEX02-MA-014 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception shall allow the addition of a new parcel (PIN# 6011-12-8396-000) via Site Plan Amendment in order for the school to have direct access to Route 55 and to utilize the parcel for school activities.
4. This Special Exception shall be granted for a period of ten (10) years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. A maximum of six vans or minibuses per day may visit the site.
6. No more than one hundred people shall occupy the site at any given time.
7. The facility may be in operation for 12 months, with the condition that it complies with Fauquier County School inclement weather road advisories.
8. The applicant shall be allowed to conduct overnight camping events, not to exceed three days, and not to exceed the normal maximum number of attendees at the school.
9. Camping events shall conform to all Health Department and Emergency Services notification requirements.
10. Permanent structures are restricted to the existing buildings on the site and one new building not to exceed 5,000 square feet.
11. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
12. The applicant shall submit to the Zoning Administrator, on a quarterly basis, a summary of attendance records for the events to ensure that attendance limitations are maintained.
13. The applicant shall comply with all applicable water and sewage treatment standards as determined by the Health Department.
14. All parking must be provided on site, and shall be no closer than one hundred feet from any adjacent property.
15. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.

16. In no event shall fireworks, hot-air balloons or helicopters be used for any Class C events.
17. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
18. During events with music or sound, the maximum permitted sound pressure noise levels shall not exceed sixty decibels at the property line.

**SPECIAL EXCEPTION #SPEX07-CR-002 AND COMPREHENSIVE PLAN COMPLIANCE REVIEW #CCRV07-CR-001 – FAUQUIER COUNTY SCHOOL BOARD, OWNER AND APPLICANT – ELEMENTARY SCHOOL #11**

A public hearing was held to consider an application to obtain a Category 5 Special Exception to construct an Elementary School and a Comprehensive Plan Compliance Review to determine that the proposed elementary school, at this location, is substantially in accord with the Comprehensive Plan. The property is located at the intersection of Rogues Road (Route 602) and Grapewood Drive (Route 1521), Cedar Run District, further identified as PIN #7914-89-0204-000). Melissa Dargis, Assistant Chief of Planning, summarized the application. Sheryl Wolfe, Lee District, spoke in support of the application; Sharon Krasny, Cedar Run District, spoke in support of the application, but expressed concern about the location of a secondary access emergency route; Jim Morris, Scott District, spoke in support of the application, but expressed concern about the location of the second entrance; Bonnie Lindsay, Scott District, spoke in favor of the application; Don Cruikshank, Scott District, spoke in favor of the application; Michelle Bayne, Center District, spoke in favor of the application; spoke in favor of the application; Anna Hartbarger, Cedar Run District, expressed concern about safety and requested road improvements for all school access roads; John Griffin, Cedar Run District, spoke in support of the application. Jean Macari, Cedar Run District, an adjacent property owner, spoke in support of the application, but expressed concern about a proposed fuel pump station and the location of a secondary access road for emergency ingress and egress. Dana Hanson Junta, Scott District, spoke in support of the application, but expressed concern regarding transportation safety issues; Tom Laltaye, Marshall District, spoke in support of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Robison seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO APPROVE SPEX07-CR-002: FAUQUIER ELEMENTARY SCHOOL #11 SPECIAL EXCEPTION AND CCRV07-CR-001: COMPREHENSIVE PLAN COMPLIANCE REVIEW 014, SPEX06-SC-015, AND CCRV06-SC-003

WHEREAS, the Fauquier County School Board, owner and applicant, is seeking Special Exception approval for an elementary school and a Comprehensive Plan Conformance Determination; and

WHEREAS, two discrete applications are proposed:

1. SPEX07-CR-002 - Category 5 Special Exception to allow for a secondary school in the Rural Agricultural zoning district;
2. CCRV07-CR-001 - A Comprehensive Plan Compliance Determination; and

WHEREAS, on October 26, 2006, November 30, 2006 and December 19, 2006, the Fauquier County Planning Commission held public hearings on the proposed Special Exception and unanimously recommended approval of the Special Exception applications, subject to conditions and approval of the Comprehensive Plan Conformance Determination; and

WHEREAS, on January 11, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurs with the Planning Commission and it has determined that the application for the elementary school at this location is substantially in compliance with the County's Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232 ; and

WHEREAS, the Board of Supervisors has determined that the Special Exception applications satisfy the standards of Zoning Ordinance Articles 5-006 and 5-500; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of January 2007, That Comprehensive Plan Conformance Determination CCRV07-CR-001, Fauquier County School Board, owner and applicant, be and is hereby approved and SPEX07-CR-002 be, and is hereby, approved, subject to the following conditions:

1. The Special Exceptions are granted for and run with the land indicated in these applications and are not transferable to other land.
2. The Special Exceptions are granted for, and are to be in substantial conformance with, the purpose(s), structure(s) and/or uses indicated on the Special Exception Plats "Elementary School" dated September 1, 2006 and received in the Planning Office on September 15,

2006. This Special Exception approval does not approve use of the site for long-term bus storage or a vehicle fueling facility.

3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the RA zoning district, pursuant to Article 3 of the Zoning Ordinance.
5. This Special Exception approval does not remove any other approvals or permits that shall be required from the County, and other local, state or federal agencies.
6. The applicant shall meet landscape and buffering requirements pursuant to the Zoning Ordinance.
7. No new structures shall be constructed or located within 100 feet of any adjoining property line, which is in a Rural or Residential zoning district.
8. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
9. The elementary school shall be allowed in the Rural Agricultural and Residential (R-1) Zoning District, per the request in Special Exception SPEX05-SC-030.
10. The applicant shall satisfy and meet the Virginia Department of Transportation (VDOT) requirements for the school entrance(s).
11. Storm water management and BMPs shall be required for the site.
12. With the approval of this Special Exception, future renovations, additions or minor improvements to school facilities shall be allowed to proceed as Site Plan Amendments.
13. Athletic and recreational lighting of the ball fields shall be consistent with the requirements set forth in the Fauquier County Zoning Ordinance. This shall include downward directed and shielded lighting.
14. The architecture, building materials and landscaping shall be consistent with the Special Exception Plat, and as described in the Statement of Justification.
15. The sewer piping and sewer pumping station and its related facilities, constructed through the New Baltimore Service District, shall be designed to accommodate only the wastewater needs of the elementary school with its maximum capacity of 700 students and projected employment of 70. The extension of public sewer and water utilities and the connection/sizing restrictions are consistent with Chapter 6 of the Comprehensive Plan and the Board of Supervisors findings regarding 15.2-2232 of the Code of Virginia.

16. No additional connections to the constructed sewer service line for the elementary school shall be allowed within the New Baltimore Service District.
17. The applicant shall provide buffering such as, but not limited to, vegetation or another equally acceptable method on the perimeter boundary of all outdoor competition recreation areas that directly abut adjacent properties. The proposed method of buffering shall be depicted on the final site plan. The applicant shall also maintain, to the greatest extent possible, the existing vegetation in these perimeter areas.
18. The applicant shall provide emergency access to all athletic fields that are not directly accessible from parking areas. The emergency access location and design shall be reviewed and approved by the County Engineer and the Office of Emergency Services prior to approval of the final site plan.
19. The applicant shall satisfy and meet the Virginia Department of Transportation (VDOT) requirements for all roadway improvements for the approved use.
20. The applicant shall design and construct all off-site roadway improvements essential to the elementary school's opening, as required by VDOT.
21. The roadwork shall consist of, but is not limited to: frontage improvements on Rogues Road, as well as separate infrastructure plans for intersection improvements and signalization at the Route 605 intersections with Riley Road and Rogues Road pursuant to VDOT requirements and specifications.
22. The length of necessary turn lanes will be determined by VDOT and County staff during the final site plan review.
23. Entrance and frontage requirements shall meet VDOT standards.
24. The School Board shall continue to actively work with the Board of Supervisors and VDOT to facilitate the appropriate location for a second access point to accommodate the school site.
25. The Fauquier County Water and Sanitation Authority (WSA) requires that water system modeling shall be finalized to determine whether the New Baltimore Water System can provide adequate flow, or whether on-site fire storage or system upgrades may be needed to provide required fire flows prior to site plan approval.
26. Proof of provisions for adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the final site plans.
27. The WSA requires an analysis to be performed of its sewage collection system and the Brookside Pump Station and force main, to determine whether the additional flows generated by the school will require any upgrades to the sewer system.

28. The expense associated with the water and sewer system extensions and/or system upgrades made necessary by this project shall be borne by the School Board and shall be designed and constructed in accordance with the WSA's Utility Standards Manual (USM).
29. All applicable State and Federal permits shall be filed with the first submission of the final site plan. This includes the COE/DEQ wetlands permit.
30. Soils that are characterized as being hydric, having hydric inclusions or a high water table are generally not suited for dry ponds due to the fact that these ponds cannot be kept dry year round. It is advisable to not utilize dry ponds for SWM/BMP in these areas.
31. The toe of the embankment and all drainage structures shall be 25 feet from the property line. This area is to have no trees or woody vegetation. Landscaping shall not be in this area.
32. All travel ways shall be a minimum of 20 feet wide unless approved otherwise by VDOT and the County.
33. Any offsite easements (grading, utility, etc.) shall have to be acquired prior to final site plan approval.
34. Light poles and retaining walls shall be restricted to no closer than 100 feet from the property lines, per Section 5-502 of the Zoning Ordinance.

**SPECIAL EXCEPTION #SPEX07-CR-005 – MICHAEL AND HEATHER HAWKINS, OWNERS, AND MICHAEL HAWKINS, APPLICANT**

A public hearing was held to consider an application to obtain a Category 29 Special Exception to waive the public street requirement. The property is located at 2020 Hawkins Lane, Cedar Run District, further identified as PIN #7848-26-0884. Melissa Dargis, Assistant Chief of Planning, summarized the proposed application and noted that the applicant had requested a 30 day deferral. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on this matter until the next regular meeting on February 8, 2007. Mr. Robison seconded, and following discussion the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

With no further business, the meeting was adjourned at 8:01 PM, to reconvene on January 26, 2007.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on January 11, 2007.*

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*Paul S. McCulla*  
*Clerk to the Board of Supervisors*